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15 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
16 IN AND FOR THE COUNTY OF YAVAPAI

17 STATE OF ARIZONA

18 Plaintiff,

19 vs.

20 STEVEN CARROLL DEMOCKER,

21 Defendant.

) No. P1300CR20081339
)
) Division 6
)
) **REPLY IN SUPPORT OF**
) **MOTION FOR RE-**
) **EXAMINATION OF**
) **CONDITIONS OF RELEASE**

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24 In their response, the State essentially says, as it often does in this case that
25 "we are doing the best we can" with respect to supposed improvements in Mr.
26 DeMocker's conditions of confinement. Put simply, nothing at all has happened in
27 that regard despite months of fruitless negotiations between counsel, trial is less than
28

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 JAN -8 PM 3:45

JEANNE HICKS, CLERK

BY: V. Adams

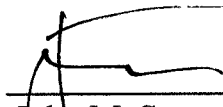
1 four months away, and Mr. DeMocker does not have access to his case materials.

2 There is no reason whatsoever to believe that this situation will change, if at all, in
3 time for Mr. DeMocker to be prepared to assist his attorneys in his own defense. It
4 would appear that the County Attorney got way out in front of the Sheriff in
5 promising changes, and now cannot deliver.
6

7 Mr. DeMocker is currently, and has been for months now, denied his right to
8 the effective assistance of counsel secured by the Sixth Amendment by reason of the
9 continued actions of the State in denying him reasonable access to his own case files
10 and documents while incarcerated. The only way to remedy this violation is to release
11 him immediately on the conditions previously proposed. Contrary to the State's
12 assertion this time around, this issue is a new and material circumstance not
13 previously considered by this Court in setting his conditions of release. Promises
14 made and not kept cannot be the basis for continuing to keep Mr. DeMocker in jail
15 while his constitutional rights are being violated.
16
17

18 DATED this 8th day of January, 2010.

19 By:

20 
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Attorneys for Defendant

1
2 **ORIGINAL** of the foregoing filed
3 this 8th day of January, 2010, with:

4 Jeanne Hicks
5 Clerk of the Court
6 Yavapai County Superior Court
7 120 S. Cortez
8 Prescott, AZ 86303

8 **COPIES** of the foregoing hand delivered
9 this 8th day of January, 2010, to:

10 The Hon. Thomas B. Lindberg
11 Judge of the Superior Court
12 Division Six
13 120 S. Cortez
14 Prescott, AZ 86303

14 Joseph Butner, Esq.
15 Office of the Yavapai County Attorney
16 Prescott courthouse drawer

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